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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,411	01/14/2004	Greg Ketterman	267-107	6088
7590	09/02/2004		EXAMINER	
JOSEPH E. MUETH, ESQ. 8TH FLOOR 225 SOUTH LAKE AVE. PASADENA, CA 91101			AVILA, STEPHEN P	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/758,411	KETTERMAN, GREG
	Examiner Stephen Avila	Art Unit 3617 <i>MW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 January 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>011404</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

Art Unit: 3617

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Skinner et al (cited by Applicant). Skinner et al disclose a sail 3 for use on a sailboat and adapted to be carried by a mast 4, the sail being capable of being furled around a mast, and battening 1 being stiff enough to be capable of supporting a large roach of a square top sail and capable of being able to wrap around the mast. Note the battens are at a steep angle on sail, with at least three being equally spaced.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Kollberg. Skinner et al do not disclose bearings. Kollberg teaches bearings. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Skinner et al with bearings as taught by Kollberg for improved performance and increased durability.

Art Unit: 3617

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Kollberg as applied to claims 1 and 6 above, and further in view of Peay. Skinner et al do not disclose round battens. Peay teaches battens which are round in cross section (Figures 4B, 4D). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the battens of Skinner et al to be round in cross section for improved sail performance.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Kollberg as applied to claims 4 above, and further in view of Hoyt. Skinner et al do not disclose a pull cord. Hoyt teaches pull cord means 46. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Skinner et al with pull cord means as taught by Hoyt for ease of use.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Kollberg as applied to claims 1 and 6 above, and further in view of Roeseler et al. Skinner et al do not disclose an A-frame. Roeseler et al teach an A-frame (column 2, lines 26-30) supporting a mast. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the mast to be supported by an A-frame in Skinner et al as taught by Roeseler et al for improved strength.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al in view of Peay.

Skinner et al do not disclose round battens. Peay teaches battens which are round in cross section (Figures 4B, 4D). It would have been obvious to a person of

Art Unit: 3617

ordinary skill in the art at the time the invention was made to form the battens of Skinner et al to be round in cross section for improved sail performance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 703-308-2578. The examiner can normally be reached on Monday to Thursday from 8 AM to 4 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Avila  
Primary Examiner  
Art Unit 3617

SAV/SA  
8/21/04

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